

OFFICE OF  
CHILD PROTECTION  
OMBUDSMAN (OCPO)



ANNUAL REPORT  
FY 2008

STATE OF UTAH  
DEPARTMENT OF HUMAN SERVICES

[ocpo.utah.gov](http://ocpo.utah.gov)

It is the *vision* of OCPO that through  
its involvement with individuals having  
concerns about the Division of Child and Family  
Services, OCPO will promote *fair resolution*,  
effect changes that will improve the  
*quality of services* provided to the  
children and families of Utah, and build bridges with  
child welfare partners to *effectively work*  
*for children*.

## INTRODUCTION:

The Utah Office of Child Protection Ombudsman is an independent voice for children and families in Utah. The Ombudsman's Office was created in 1996 and placed into Utah Statute in 1998, giving authority for this Office to investigate consumer complaints regarding the Division of Child and Family Services. Since the creation of the Ombudsman's Office, the staff has worked to establish an office that can adequately represent citizens of Utah in addressing constituent concerns and/or complaints regarding services provided by Child and Family Services.

The Ombudsman's Office staff is knowledgeable regarding Utah Law pertaining to child welfare, as well as Child and Family Services Practice Guidelines. The staff utilizes this knowledge to educate complainants and the general public as to the role and function of the Ombudsman's Office, Utah Law, and Child and Family Services. The Ombudsman's Office staff assists complainants to effectively communicate concerns to Child and Family Services or the appropriate agency, as well as understand the information being communicated to the complainant by Child and Family Services or other agencies. In addition to the statutory authority to investigate complaints, the Ombudsman's Office serves as a resource to the public by providing information regarding community services, the child welfare system, and other agencies.

As necessary, the Ombudsman's Office investigates complaints to determine whether DCFS, with regard to a particular child, acted in accordance with Utah law and DCFS Practice Guidelines. The Ombudsman's Office may not be able to provide the complainant's desired outcome in response to each complaint filed; however, every complaint reported to the Ombudsman's Office receives objective and thorough consideration. For example, if a complainant indicated that the removal of a child from the parent was illegal, the Ombudsman's Office would provide information to the complainant as to the legal process involved when a child is removed from the parent's custody. The Ombudsman's Office would try to determine if the complainant had additional concerns. Should additional concerns be identified, such as the parent was not receiving visitation or that the child had a medical need Child and Family Services was not meeting, the Ombudsman's Office would process those concerns through the intake protocol.

Although the Ombudsman's Office is small, the well-qualified staff offers a high standard of service to both the individual consumer and to Child and Family Services. The Ombudsman's Office often receives positive feedback from complainants, such as "Thank you so much for your time and attention and attention to detail. You have provided a feeling of some relief and support neither of which I have been blessed to feel in a very long time." One complainant wrote: "Thank you so much for your help with my concerns...I know that you have a very difficult job and you are truly making a difference in a child's life down the road...Please accept my sincere appreciation for all that you have done for our family." Many constituents thank the Ombudsman's staff for listening to their concerns and taking the time to educate them as to the child welfare process, such as: "Thank you for taking the time to explain things," "I appreciate your listening," and, "I have learned more from you today than from anyone else I have talked to about the situation."

The Ombudsman's Office is pleased to outline the highlights of Fiscal Year 2008.

## HISTORY AND STATUTORY AUTHORITY:

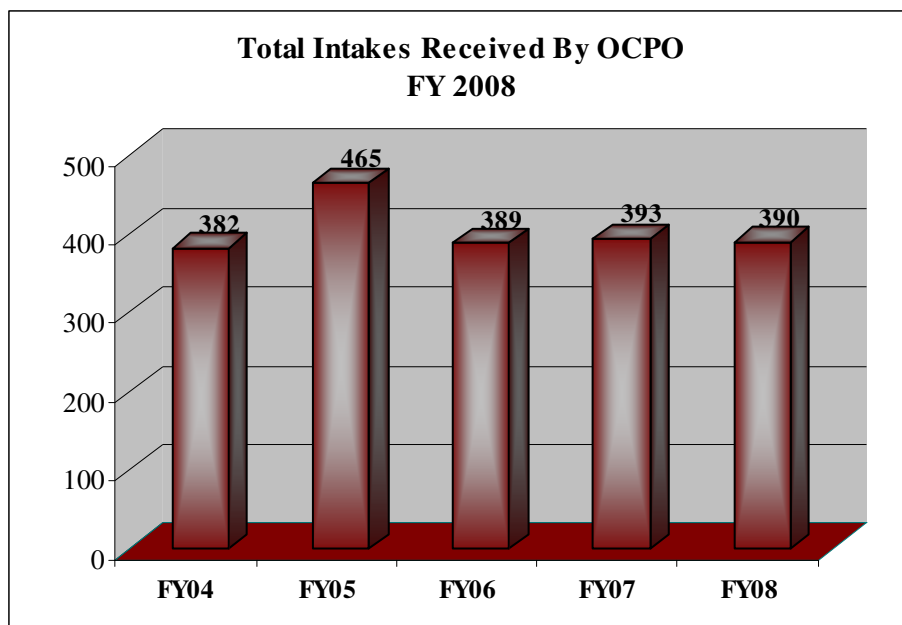
In January 1996, the Executive Director of the Department of Human Services created the Ombudsman's Office, independent from Child and Family Services, where individuals could report concerns about cases under Child and Family Services' jurisdiction. The purpose of the Ombudsman's Office is to receive and investigate complaints to ensure that Child and Family Services is providing adequate services to their clients.

In 1998, the Utah Legislature codified the role and authority of the Ombudsman's Office by enacting Section 62A-4a-208 of Utah Code, which states:

*"...the ombudsman shall, upon receipt of a complaint from any person, investigate whether an act or omission of the division with respect to a particular child: (i) is contrary to statute, rule, or policy; (ii) places a child's health or safety at risk; (iii) is made without an adequate statement of reason; or (iv) is based on irrelevant, immaterial, or erroneous grounds..."*

## INTAKE COMPLAINT PROCESS

In FY2008, the Ombudsman's Office processed 390 complaints through the intake process. When a referral is received, the Ombudsman's Office evaluates the information to determine whether the case is within the Ombudsman's statutory responsibility. For example, if a complainant did not have a specific concern about Child and Family Services but expressed concerns about a child that might be abused or neglected, the Ombudsman's Office would refer the complainant to Child Protective Services Intake but would not accept the concern as an Ombudsman complaint. If a complainant expressed concerns that the Child and Family Services caseworker had not convened a Child and Family Team Meeting and the parent was unable to have visitation with their child, the Ombudsman's Office would accept these concerns as a complaint.

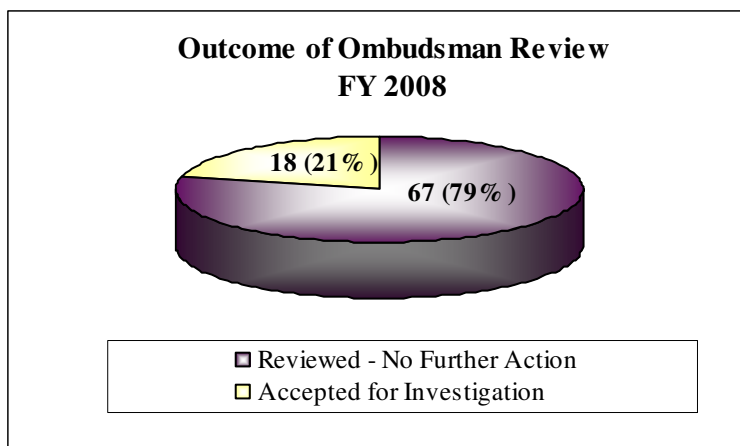


As appropriate, the Ombudsman's Office refers a complaint to Child and Family Services and requests a response or allows Child and Family Services the opportunity to address the concern at the lowest level possible. During FY2008, the Ombudsman's Office referred 156 (40%) of the 390 complaints to Child and Family Services.

If a complainant is not satisfied with the response from Child and Family Services, the complainant is unwilling to work with Child and Family Services, or if the Ombudsman's Office is particularly concerned about an issue, the Ombudsman's Office may proceed with an Ombudsman Review or accept the case for investigation.

An Ombudsman Review is conducted by the Deputy Ombudsman or an Assistant Ombudsman, and may be opened for review at any point during the intake process. An Ombudsman Review may begin immediately upon receipt of a complaint, or after Child and Family Services has been given the opportunity to address the concern. The purpose of conducting an Ombudsman Review is to determine the appropriate action to be taken by the Ombudsman's Office in response to a complainant's concern. The Ombudsman's Office may decide that no further action is warranted, refer the complainant to another agency, or accept the case for an investigation. An Ombudsman Review includes accessing and reviewing case information maintained in Child and Family Services' management information system, requesting additional information directly from Child and Family Services, and reviewing all relevant information provided to the Ombudsman's Office by the complainant and/or other parties. For example, if the Ombudsman's Office reviews a DCFS response with the complainant and the complainant remains dissatisfied that Child and Family Services took appropriate action to address their concerns, that case would be accepted for an Ombudsman's Review. The Ombudsman's Office would review the Child and Family Services management information system to determine if the complainant concerns had validity. Should the review reveal that the complainant appeared to have valid concerns; the case may be accepted for investigation. Another example of a time when an investigation would be opened instead of undergoing an Ombudsman's Review, would occur when the complainant had provided a copy of the Child and Family Services record they had previously obtained and upon review it was noted that obvious violations of Practice Guidelines and/or Utah law had occurred, such as, a child victim had not been interviewed; a child had made a disclosure of an incident of abuse or neglect that had not previously been reported, but the caseworker had not taken any action; or, the caseworker had failed to proceed with an Interstate Compact for the Placement of Children when court ordered.

During FY2008, the Ombudsman's Office conducted 85 Ombudsman Reviews. The Ombudsman's Office determined that no further action was needed in 67 (79%) of the cases. The Ombudsman's Office determined that 18 (21%) cases required further review and were therefore accepted for investigation. Not every case accepted for investigation is opened for an Ombudsman's Review.



## INVESTIGATIONS

During FY2008, the Ombudsman's Office completed 30 investigations involving Child and Family Services. An investigation may contain multiple concerns. The Ombudsman's Office investigates to determine the validity of every individual concern reported by a complainant. In addition to investigating complainant concerns, the Ombudsman's Office may identify additional concerns or oversights made by Child and Family Services.

The 30 investigations completed in FY2008 encompassed 88 individual concerns. Of these 88 concerns that were investigated, 41 (47%) of the concerns were reported to the Ombudsman's Office by a complainant, and 47 (53%) were identified by the Ombudsman's Office (Chart 1).

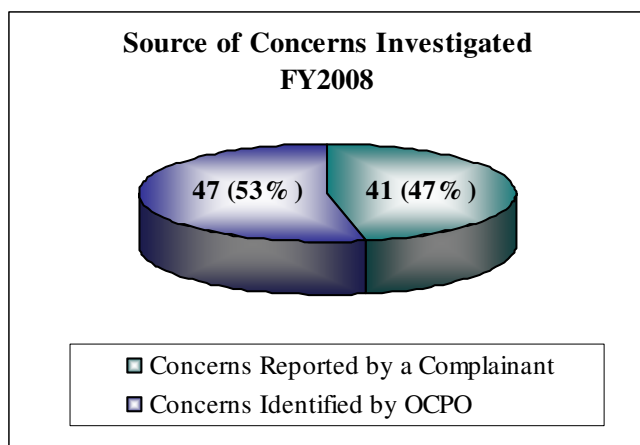


Chart 1

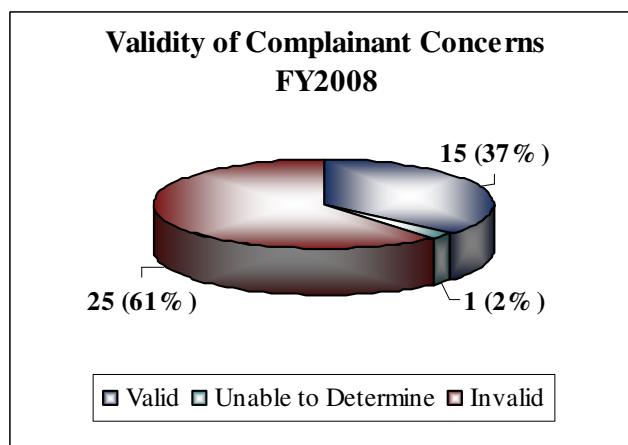
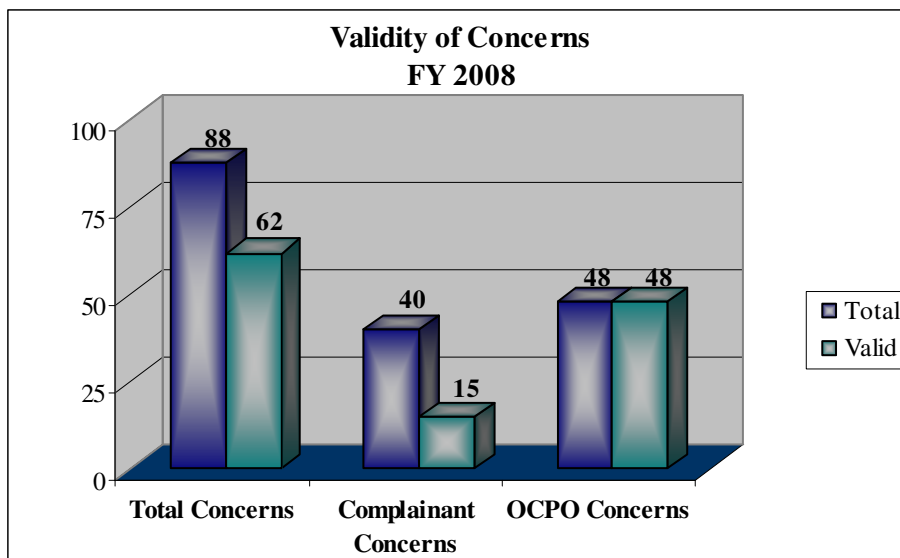


Chart 2

Of the 41 concerns reported to the Ombudsman's Office by the complainant, the Ombudsman's Office found 15 (37%) of the complainant concerns to be valid, and 25 (61%) to be invalid. The Ombudsman's Office was unable to determine the validity of one (2%) complainant concern (Chart 2). The 47 concerns identified by the Ombudsman's Office were valid.

Overall, the Ombudsman's Office found 62 (70%) of the 88 concerns investigated during FY2008 to be valid. The 62 valid concerns are comprised of the valid concerns reported by the complainant (15) and valid concerns identified by the Ombudsman's Office (47).

When the Ombudsman's Office discovers and addresses a DCFS Practice Guideline violation that impacts the case being reviewed, the concern is documented as a valid concern. For example, if the Ombudsman's Office did not find documentation that the parents of the child had been contacted and interviewed about child abuse or neglect allegations, this would be a violation of a Practice Guideline. Other examples are: the caseworker did not conduct visits with a child while in an out-of-home placement; the child did not receive mental health treatment, if appropriate; the caseworker failed to initiate a court ordered service, etc. The Ombudsman's Office may identify a single concern or multiple concerns in each case where the Ombudsman's Office could determine that the caseworker was not in compliance and/or the caseworker had not documented an activity that would place the caseworker within compliance of the appropriate DCFS Practice Guideline.



## RECOMMENDATIONS

In FY2008, the Ombudsman's Office found 62 concerns to be valid. The Ombudsman's Office did not make a recommendation for every valid concern, and made multiple recommendations for some valid concerns; therefore, the number of valid concerns and recommendations does not match. The Ombudsman's Office made a total of 68 recommendations to Child and Family Services during FY2008. These 68 recommendations are comprised of the following:

- 44 individual concerns resulted in 44 individual recommendations.
- To address eight valid concerns, the Ombudsman's Office made only three recommendations. These three recommendations were that DCFS review the eight concerns and determine the appropriate action at the regional level.
- To address nine valid concerns, the Ombudsman's Office made multiple recommendations for each concern. These nine concerns resulted in 21 individual recommendations.
- OCPO did not make a recommendation to address one valid concern, as the DCFS caseworker about which the concern was identified is no longer employed by DCFS.

The 68 recommendations included 54 recommendations that Child and Family Services take action to address the concerns to prevent similar oversights from happening in future cases. For example, the following recommendations were made:

- Obtain permission to release confidential information from the subject of the record, or parent of the subject, prior to sharing information.
- Document a complete and sequential description of all CPS casework activities, which includes the rationale for conclusions made, in accordance with DCFS Practice Guideline 204.13.
- Document discussions that take place and decisions made during case staffings, as required by DCFS Practice Guideline 204.13.B.9.
- Record case-specific and substantive information in the Case Closure Statement that reflects how the information gathered during the investigation supports the case finding.

- Audio record all interviews with children and download the interview into the SAFE system prior to case closure, as required by DCFS Practice Guideline 203.1a and Utah Code Ann. §62A-4a-105.
- Interview any child identified as an alleged victim having the ability to communicate verbally or through another reliable means, as required by DCFS Practice Guideline 203.1.B.
- Interview the referent as required by DCFS Practice Guideline 203.1.A.
- Complete the CPS investigation within 30 days, or complete the required paperwork to request a case extension, as required by DCFS Practice Guideline 204.15.
- Ensure that services identified as necessary are in place prior to case closure, as required by DCFS Practice Guidelines 204.14.A, 204.14.B, and 204.14.F.
- Interview third party/collateral contacts as required by DCFS Practice Guideline 203.1.D.
- Investigate any additional allegations that are not included with the initial case as required by DCFS Practice Guideline 201.4.
- Complete the Immediate Protection Safety Assessment in a timely manner following the face-to-face contact with the alleged victim as required by DCFS Practice Guideline 204.1.A.

The Ombudsman's Office made 14 recommendations that an act or omission by Child and Family Services be addressed or reconsidered. For example, the following recommendations were made:

- DCFS take appropriate action to assess the relative for kinship as required by DCFS Practice Guideline 504.
- Review the audio recording attached to the CPS case to determine whether each allegation documented in the Child Abuse and Neglect Report (CANR) was adequately investigated and addressed in the interviews with the children.
- Listen to the child's disclosure in the audio recording of the CPS case and determine whether the case finding is appropriate.
- Reassign the current CPS investigation to another CPS caseworker for completion, due to multiple concerns identified regarding previous CPS investigations involving these children conducted by the same worker.
- Ensure that all the siblings cases are linked, placements are current, and documents pertaining to all children are documented in each child's case.

